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 JAREK MOLSKI  
 and DISABILITY RIGHTS  
 ENFORCEMENT, EDUCATION  
 SERVICES: HELPING YOU  
 HELP OTHERS

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

JAREK MOLSKI, an individual; and  
 DISABILITY RIGHTS  
 ENFORCEMENT, EDUCATION  
 SERVICES:HELPING YOU HELP  
 OTHERS, a California public benefit  
 corporation,

Plaintiffs,

v.

SANTA CRUZ DINER INC., a  
 California corporation; GILBERT F.  
 KIRCHNER, an individual dba SANTA  
 CRUZ DINER; LACRETIA WRIGHT;  
 LARRY D. WRIGHT; GARY R.  
 WRIGHT, JR.; SHANA K. WRIGHT;  
 and TONYA R. JONES,

Defendants.

**CASE NO. C04-2439 JW (PVTx)**  
**STIPULATION OF DISMISSAL**  
**AND [PROPOSED] ORDER**  
**THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v.*

1 Guardian Life Ins. Co., 511 U.S. 375 (1994) (empowering the district courts to retain  
2 jurisdiction over enforcement of settlement agreements).

3 Therefore, IT IS HEREBY STIPULATED by and between parties to this action  
4 through their designated counsel that the above-captioned action be and hereby is  
5 dismissed with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

6 This stipulation may be executed in counterparts, all of which together shall  
7 constitute one original document.

8  
9 DATED: February 2, 2007

THOMAS E. FRANKOVICH  
A PROFESSIONAL LAW CORPORATION

10  
11 By: /s/  
12 Julia M. Adams  
13 Attorneys for Plaintiff JAREK MOLSKI and  
14 DISABILITY RIGHTS, ENFORCEMENT  
15 EDUCATION SERVICES: HELPING YOU  
16 HELP OTHERS

17  
18 DATED: February 1, 2007

BORTON, PETRINI & CONRON, LLP

19 By: /s/  
20 Samuel L. Phillips  
21 Attorney for Defendants SANTA CRUZ  
22 DINER INC., GILBERT F. KIRCHNER dba  
23 SANTA CRUZ DINER, LACRETIA  
24 WRIGHT, LARRY D. WRIGHT, GARY R.  
25 WRIGHT, JR., SHANA K. WRIGHT, and  
26 TONYA R. JONES

27  
28 **ORDER**

IT IS HEREBY ORDERED that matter is dismissed with prejudice pursuant to  
Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain  
jurisdiction for the purpose of enforcing the parties' Settlement Agreement and General  
Release should such enforcement be necessary.

Dated: February 5, 2007

  
Hon. James Ware  
UNITED STATES DISTRICT COURT